

REMARKS

This amendment is submitted in response to an Office Action mailed September 29, 2005. Claims 1-69, 71-74, and 76-78 are pending in the present application. Claims 9-45, 53-67, and 71-72 have been amended to more particularly point out and distinctly claim the invention. These claim amendments address matters of form for which entry is permitted under 37 C.F.R. § 1.116. In view of these claim amendments and the following remarks, reconsideration by the Examiner and allowance of the application are respectfully requested. Applicants respectfully request that the Examiner enter the amendments for purposes of appeal in the event the claims are not considered to be in condition for allowance.

CLAIM OBJECTIONS

Claims 9-45, 53-67, and 71-72 were objected to due to informalities. In particular, the Examiner suggested that the terms "wherein" and "are selected" in claims 9, 12, 15, 18, 21-45, and 53-67 be changed to "comprises." These terms have been replaced with "comprising" in the cited claims. The Examiner also suggested that the term "level" in claims 10-11, 13-14, 16-17, 19-20, and 71-72 be changed to read "amount." These claims have been amended accordingly.

DOUBLE PATENTING

Claims 1-69, 71-71, and 76-78 have been provisionally rejected for obviousness-type double patenting in view of claims 1- 45 of U.S. Application Serial No. 10/303,977. The Examiner indicated that this rejection could be overcome with the timely filing of a Terminal Disclaimer. This rejection is therefore respectfully traversed in view of the enclosed Terminal Disclaimer.

Applicant notes that the cited application has since issued on October 11, 2005 as U.S. Patent No. 6,953,768. Therefore, enclosed herewith is a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) and disclaiming the term of any patent issuing on the present application extending beyond U.S. Patent No. 6,953,768, which was granted on the cited application. In view of the enclosed Terminal Disclaimer, reconsideration by the Examiner and withdrawal of this rejection are respectfully requested.

Applicant: A. Wallace et al.
Application No. 10/721,684

After Final
Expedited Procedure


CONCLUSION

Accordingly, in view of the enclosed Terminal Disclaimer and the foregoing remarks, this application is now in condition for allowance. Reconsideration is respectfully requested. However, the Examiner is requested to telephone the undersigned if there are any remaining issues in this application to be resolved.

Finally, if there are any additional charges in connection with this response, please charge the required fee to Applicants' deposit account number 19-5425.

Respectfully submitted,

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